

REMARKS

Upon entry of the foregoing amendment, claims 7-8, 12-13, 17-24, 26-28, 30-31, and 34 are pending in the application with claims 7, 20, 26, and 28 being independent claims. Claims 1-6, 9-11, 14-16, and 25 were previously cancelled. Claims 29, 32 and 33 have been cancelled without prejudice to the subject matter therein. No new subject matter has been introduced by these amendments. The Applicants respectfully request that these amendments be entered since they place the application in a condition for allowance and/or in better condition for appeal. Based on the following Remarks, the Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections.

Interview Summary

On behalf of the Applicant, the undersigned wishes to express appreciation to Examiners Rekstad and Philippe for the courtesies extended during the interview conducted on July 31, 2007. During the interview, amendments to the claims and the rejections under 35 U.S.C. §§ 112 and 101 were discussed. The Examiners agreed to withdraw the rejections of claims 26, 28, and 34 under 35 U.S.C. § 112, second paragraph, because the claim language reciting “prevent merging” complies with the requirements under 35 U.S.C. § 112, second paragraph. The Examiners also agreed that the subject matter of claim 29, as included in independent claim 7, complies with the requirements of 35 U.S.C. § 112, second paragraph.

Allowable Subject Matter and Withdrawal of Rejection of Claim 26 Under 35 U.S.C. § 103

The Applicants appreciate the indication of allowable subject matter in claim 33 and the Applicants appreciate the withdrawal of the rejection of claim 26 under 35 U.S.C. § 103.

Claim Objection has been Rendered Moot

Claim 32 was objected to based on a recitation of a “third parth.” Claim 32 has been cancelled without prejudice to or disclaimer of the subject matter therein. Therefore, the claim objection has been rendered moot.

The Claims Comply with the Requirements Under 35 U.S.C. § 101

Claims 7-8, 12-13, 17-24, 27-33 stand rejected under 35 U.S.C. § 101 because the claims are directed to non-statutory subject matter related to a processor-readable medium. Although the Applicants respectfully submit that the claims are directed to statutory subject matter because the processor-readable medium comprises code representing instructions to cause a processor to perform, for example, a function, claims 7-13, 17-24, 27-28, and 30-31 have been amended, as was agreed during the interview, in order to further the prosecution of this case. Claims 29, 32, and 33 have been cancelled without prejudice to or disclaimer of the subject matter therein and the rejection under 35 U.S.C. § 101 with respect to these claims has been rendered moot.

Thus, the Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 101 be withdrawn.

Claim 23 Complies with 35 U.S.C. § 112, Second Paragraph

Claim 23 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps related to the sorting of a collection of paths. Claim 23 has been amended to clarify the sorting of paths based on start time values and end time values.

Thus, Applicants respectfully request that the rejection of claim 23 under 35 U.S.C. § 112 be withdrawn.

Claims 26, 28, and 34 comply with 35 U.S.C. § 112, Second Paragraph

Claim 26, 28, and 34 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. During the interview, the Examiners agreed that the claim language reciting “prevent merging” in claims 26 and 28 complies with requirements under 35 U.S.C. § 112, second paragraph. Accordingly, claim 34, which was rejected under 35 U.S.C. § 112, second paragraph, because of its dependency on claim 26, also complies with the requirements of 35 U.S.C. § 112, second paragraph.

Thus, Applicants respectfully request that the rejection of claims 26, 28, and 34 under 35 U.S.C. § 112, second paragraph, be withdrawn. Therefore, it is respectfully submitted that independent claim 26 and all of the claims ultimately depending from claim 26 are in condition for allowance.

The Rejection of Claim 29 Under 35 U.S.C. § 112, Second Paragraph, is Rendered Moot

Claim 29 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. Specifically, the Examiner noted that the specification does not support the deletion of the spatial value while retaining the data element with the time value. Applicants respectfully submit that the subject matter of claim 29 is supported by the specification as drafted, but the subject matter of claim 29 was amended to further the prosecution of this case. As was agreed during the interview, claim 29 was cancelled and the subject matter of claim 29 was included in independent claim 7 in a form that complies with the requirements of 35 U.S.C. § 112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of claim 29 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Independent Claims 7, 20, and 28, and Claims Depending Therefrom, are Allowable over the Ito Patent and Allowable Over the Kennedy Patent and Combinations Thereof

Claims 7, 12, 20-21, and 30-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6, 404,455 to Ito et al. (“the Ito patent”). Claims 20, 22 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,491,645 to Kennedy et al. (“the Kennedy patent”). Claims 7, 8, 17-19, 23 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kennedy patent in view of U.S. Patent No. 6,246,323 to Fischbach (“the Fischbach patent”). Claims 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kennedy patent and the Fischbach patent as applied to claim 7, and further in view of U.S. Patent No. 5,959,529 to Kail (“the Kail patent”) and a paper by Cai et al. entitled “Automatic Tracking of Human Motion in Indoor Scenes Across Multiple Synchronized Video Streams” (“the Cai reference”). Claim 13 stands rejected under 35 U.S.C. §

103(a) as being unpatentable over the Kennedy patent, the Fischbach patent, the Kail patent, and the Cai reference as applied to claim 12, and in further view of U.S. Patent No. 6,816,186 to Luke et al. ("the Luke patent").

The claims have been amended based on the allowable subject matter of claim 33 and based on language as agreed during the interview such that independent claims 7, 20, and 28, and claims depending therefrom, are in condition for allowance. Specifically, independent claim 20 has been amended to include the allowable subject matter of claim 33 and intervening claim 32. Independent claim 7 has been amended to include the subject matter of claim 29. The subject matter of claim 29, as was agreed during the interview, was amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Claim 28 was converted into independent form and amended to include the subject matter of claim 7.

Therefore, it is respectfully submitted that independent claims 7, 20, and 28, and all of the claims ultimately depending from these independent claims, are allowable over the Ito Patent and allowable over the Kennedy patent and combinations thereof. Accordingly, the Applicant's respectfully request that the rejection of the claims under 35 U.S.C. §§ 102 and 103 be withdrawn.

CONCLUSION

All of the stated grounds of rejection have been rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that such objections and rejections be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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